

REMARKS/ARGUMENTS

I. General Remarks

Please consider the application in view of the following remarks.

II. Disposition of Claims

Claims 1-14, and 16-27 and 29-79 are pending in this application. Claims 38-56 and 62-79 have been withdrawn previously. In this Response, Applicant has canceled those withdrawn claims 38-56 and 62-79.

III. Claim Rejections—35 U.S.C. § 112

The Examiner has rejected claims 1, 26, 57, and 61, and claims 2-14, 16-25, 27, 29-37, and 58-60 which depend there from, under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The Examiner has explained:

Independent claims 1, 26, 57 and 61 have been amended to limit the non-surfactant polymeric emulsifier to be “ethylacrylate/methylacrylic acid.” There is insufficient written description support in the specification for this new limitation in the claims. Although the specification had been amended during prosecution to provide descriptions for certain trademarks, such as ALCOSPERSE® 747; ALCOQUEST® 747; and ALCOGUM® SL-117, there has been no evidence proffered by Applicant showing that any of these polymers are indeed known as a non-surfactant “ethylacrylate/methylacrylic acid” polymeric emulsifier as recited in the presently amended claims.

Applicants respectfully submit herewith the evidence required by the Examiner. Attached as Exhibit A is a print out from www.chemindustry.com showing that ALCOGUM has the same CAS number, 95032-39-6, chemical formula, C₉H₁₄O₄, and IUPAC name, ethyl prop-2-enoate, as ethyl acrylate-methacrylic acid polymer. A researcher at Chemical Abstracts advised that this CAS registration number was assigned at least as early as November 16, 1984.

IV. ALLOWABLE SUBJECT MATTER

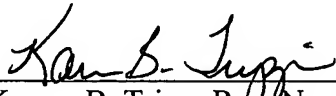
The Examiner has advised that claims 1-14, 16-27, 29-37, and 57-61, would be allowable if the rejection under 35 U.S.C. § 112, 1st paragraph, set forth above were overcome. Applicants respectfully submit that the information they have provided in Exhibit A overcomes the rejection.

SUMMARY

Applicant respectfully submits that this response is fully responsive to the Examiner's office action and Applicant respectfully requests the Examiner to allow the application to proceed to issue.

Respectfully submitted,

Date: October 28, 2009



Karen B. Tripp, Reg. No. 30,452
Attorney at Law
P.O. Box 1301
Houston, Texas 77251-1301
(713) 658-9323 phone
(713) 658-9410 fax
ktripp@tripplaw.com e-mail

c: Craig W. Roddy, Esq.